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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

INA STEINER, et al.,

Plaintiffs,

v.

EBAY INC., et al.,

Defendants.

Civil Action No. 21-CV-11181-PBS

ORAL ARGUMENT REQUESTED

**DEFENDANT WENDY JONES'S MOTION TO STRIKE PLAINTIFFS' PROFFER OF
FUTURE TESTIMONY OR, IN THE ALTERNATIVE, MOTION FOR
SUPPLEMENTAL DISCOVERY**

Pursuant to Federal Rule 56, Defendant Wendy Jones ("Ms. Jones") hereby moves to strike Plaintiffs' proffer of Defendant Jim Baugh's future trial testimony from the summary judgment record. In the alternative, Ms. Jones moves, for good cause shown, for supplemental discovery, as outlined below and in the accompanying memorandum of law, to mitigate the prejudice to her and other Defendants imposed by Plaintiffs' eleventh-hour agreement with Mr. Baugh. As grounds for this Motion, Ms. Jones states as follows:

1. On March 27, 2025, Plaintiffs reported to this Court that they had struck a deal with Defendant Jim Baugh in which Mr. Baugh has reportedly agreed to testify and waive his Fifth Amendment rights as to a specific scope of testimony in exchange for his dismissal from this case. That limited waiver is inadequate and will not permit Defendants to fully and fairly cross-examine Mr. Baugh at trial. Mr. Baugh's trial testimony will therefore be struck. Because Plaintiffs have not shown that Mr. Baugh's testimony can be presented in

5/8/25
The motion to strike is
denied. I allow the
request for supplemental
discovery. All additional
discovery shall be completed
by 6/13/25. It is premature to
consider the Fifth Amendment issue.
Pat B. Sene